

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MASSACHUSETTS

UNITED STATES OF AMERICA

Plaintiff,

v.

HOLYOKE WATER POWER COMPANY and  
CITY OF HOLYOKE GAS & ELECTRIC  
DEPARTMENT,

Defendants.

CIVIL ACTION NO. 04-30119-MAP

**MEMORANDUM IN SUPPORT OF MOTION OF UNITED STATES  
SEEKING CONSOLIDATION OF ACTIONS**

On June 22, 2004, the United States filed the above-captioned action against Holyoke Water Power Company and City of Holyoke Gas & Electric Department (together, "Settling Defendants"). In its Complaint, the United States alleged that the Settling Defendants are liable under Section 107 of the Comprehensive Environmental Response, Compensation, and Liability Act ("CERCLA"), 42 U.S.C. § 9607, for damages for injury to, destruction of, or loss of natural resources resulting from the release or threatened release of hazardous substances, including the reasonable costs of assessing such injury, destruction or loss. The Complaint relates to the Holyoke Gas Tar Deposits and former Holyoke Gas Works, located in and around Holyoke, Massachusetts.

On the same day, the Commonwealth of Massachusetts ("Commonwealth") filed a similar action against the Settling Defendants. *Commonwealth of Massachusetts v. Holyoke Water Power Company and City of Holyoke Gas & Electric Department*, Civil Action No.

-2-

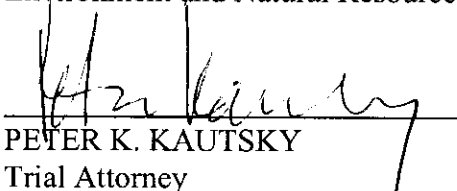
04-30120-MAP. The Commonwealth's action was filed pursuant to CERCLA and M.G.L. c. 21E.

Both the above-captioned action as well as the action filed by the Commonwealth have been resolved pursuant to the Consent Decree lodged with the Court on June 22, 2004. The United States and the Commonwealth are today filing a motion seeking entry of that Consent Decree.

The United States hereby requests, pursuant to Fed. R. Civ. P. 42(a) and Local Rule 40.1(J), that the Court consolidate these two actions. Consolidation is appropriate because these two actions involve common questions of law and fact and are being resolved by the same Consent Decree. *See* Fed. R. Civ. P. 42. The Commonwealth does not object to this Motion.

Respectfully submitted,

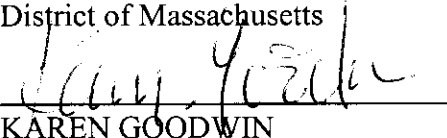
THOMAS L. SANSONETTI  
Assistant Attorney General  
Environment and Natural Resources Division



PETER K. KAUTSKY  
Trial Attorney  
Environmental Enforcement Section  
Environment and Natural Resources Division  
U.S. Department of Justice  
Washington, D.C. 20530

-3-

MICHAEL J. SULLIVAN  
United States Attorney  
District of Massachusetts

A handwritten signature in dark ink, appearing to read "Karen Goodwin", is written over a horizontal line.

KAREN GOODWIN  
1550 Main Street  
U.S. Courthouse, Room 310  
Springfield, MA 01103  
(413) 785-0235

Dated: November 4, 2004

-4-

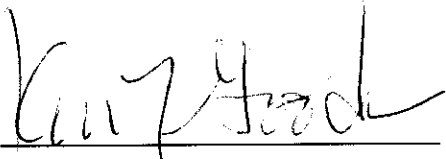
CERTIFICATE OF SERVICE

I, Karen Goodwin, hereby certify that the foregoing was served, via first-class mail, this \_\_\_ day of November, 2004, on the persons listed below:

Linda T. Landis, Esq.  
Holyoke Water Power Company  
Public Service Company of New Hampshire  
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Manchester, NH 03105

John J. Ferriter, Esquire  
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A handwritten signature in dark ink, appearing to read 'Karen Goodwin', is written over a horizontal line.